IN THE HIGH COURT OF JUDICATURE OF BOMBAY

CRIMINAL APPELLATE JURISDICTION

CRIMINAL APPLICATION NO.7786 OF 2005
IN
CRIMINAL APPEAL NO.1116 OF 2005

Sanjay Champaklal Jain. ..Applicant.

V/s.

State of Maharashtra. ..Respondent.

Mr.P.R.Dave, for applicant.

Mr.V.B.Konde-Deshmukh, APP for State.

CORAM: A.M.KHANWILKAR,J
DATE : DECEMBER 7, 2005.

P.C. :

1. Heard. Leave to amend to correct middle name of the applicant is granted.

2. This appeal is by accused No.3. I find substance in the argument of the applicant that piece of evidence on the basis of which finding of guilt has been recorded is unacceptable. Identification in court alone cannot be the basis to reach at the conclusion arrived at by the trial court. No recovery has been made at the instance of applicant. Be that as it may, as appeal is admitted and the sentence imposed is short sentence and Applicant has already undergone over one and half years; Coupled with the fact that the applicant was released on bail during the trial and there is nothing on record to

suggest that applicant misused the bail so granted, applicant deserves to be enlarged on bail on strict conditions which are as follows :

(A) The applicant is directed to be released on bail on furnishing bail bond in the sum of Rs.50,000/- with two local sureties in like amount.

(B) The applicant shall furnish latest residential address to the concerned police station before his release and thereafter from time to time, if there is any change within one week from such change.

(C) The applicant shall report to the concerned police Station once in a month on first Monday of every English Calender Month from 10 a.m. to 12 noon.

(D) The applicant shall surrender his passport, if any, to the concerned police station. In case, he does not possess any passport, affidavit to that effect be filed in this court, as condition for bail.

3. Application disposed of on the above terms.